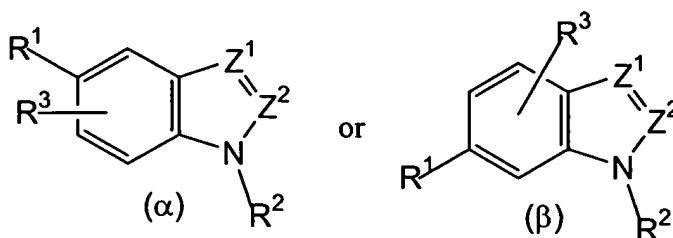


**CLAIMS AMENDMENT**

1-38. (canceled)

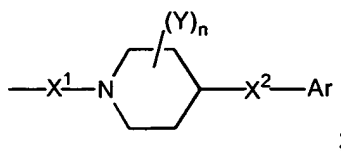
39. (currently amended): A compound of the formula:



and the pharmaceutically acceptable salts thereof,

wherein each of  $Z^1$  and  $Z^2$  is independently  $CR^4$  or N;

where each  $R^4$  is independently selected from the group consisting of H, alkyl (1-6C) and aryl, each of said alkyl and aryl optionally including one or more heteroatoms selected from O, S, and N and each of said alkyl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR,  $NROCR$ , CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C) and each of said aryl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR,  $NROCR$ , CN, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C);

 $R^1$  is

wherein

 $X^1$  is CO,  $SO[~~H~~,  $SO_2$ ]] or  $CHOH$ ;$

Y is optionally substituted alkyl, optionally substituted aryl, or optionally substituted arylalkyl or two Y taken together may form an alkylene (2-3C) bridge;

n is 0, 1 or 2;

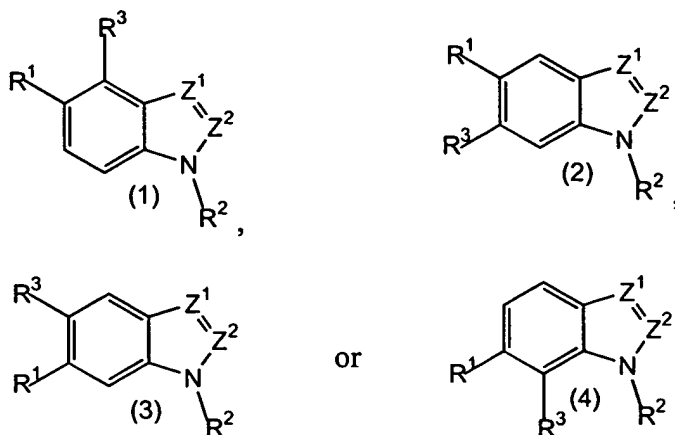
X<sup>2</sup> is CH, CH<sub>2</sub>, CO, CHOH, CO or SO<sub>2</sub>; and

Ar consists of one or two phenyl moieties directly coupled to X<sup>2</sup>, said one or two phenyl moieties being optionally substituted by one or more substituents selected from the group consisting of halo, nitro, alkyl (1-6C), alkenyl (2-6C), alkynyl (2-6C), CN, CF<sub>3</sub>, RCO, COOR, CONR<sub>2</sub>, NR<sub>2</sub>, OR, SR, OOCR, NROCR; and phenyl, itself optionally substituted by one or more of the foregoing substituents, wherein R in the foregoing optional substituents is H or alkyl (1-6C);

R<sup>2</sup> is selected from the group consisting of H, alkyl (1-6C) and aryl, each of said alkyl optionally including one or more heteroatoms which are selected from O, S and N, and each of said aryl or alkyl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR, NR<sub>2</sub>, RCO, COOR, CONR<sub>2</sub>, OOCR, NROCR, CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C) and each of said aryl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR, NR<sub>2</sub>, RCO, COOR, CONR<sub>2</sub>, OOCR, NROCR, CN, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C);

R<sup>3</sup> is selected from the group consisting of H, halo, NO<sub>2</sub>, alkyl (1-6C), alkenyl (2-6C), alkynyl (2-6C), CN, OR, SR, NR<sub>2</sub>, RCO, COOR, CONR<sub>2</sub>, OOCR, and NROCR where R is H or alkyl (1-6C).

40. (previously presented): The compound of claim 39 which is of the formula



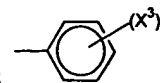
41. (previously presented): The compound of claim 39 wherein  $R^2$  is alkyl (1-6C) or aryl, each of said alkyl or aryl optionally including one or more heteroatoms which are selected from O, S and N, and each of said alkyl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR, CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C) and each of said aryl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR, CN, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C).

42. (previously presented): The compound of claim 39 wherein  $X^1$  is CO.
43. (previously presented): The compound of claim 39 wherein  $X^2$  is  $CH_2$ .
44. (previously presented): The compound of claim 39 wherein  $X^1$  is CO and  $X^2$  is  $CH_2$ .
45. (previously presented): The compound of claim 39 wherein  $Z^1$  and  $Z^2$  are  $CR^4$ .

46. (previously presented): The compound of claim 44 wherein  $Z^1$  and  $Z^2$  are  $CR^4$ .
47. (previously presented): The compound of claim 39 wherein  $Z^1$  is N and  $Z^2$  is CH.
48. (previously presented): The compound of claim 44 wherein  $Z^1$  is N and  $Z^2$  is CH.
49. (previously presented): The compound of claim 40 which is of the formula (2).
50. (previously presented): The compound of claim 44 which is of the formula (2).
51. (previously presented): The compound of claim 40 wherein  $R^3$  is halo or OR where R is alkyl (1-6C).
52. (previously presented): The compound of claim 44 wherein  $R^3$  is halo or OR where R is alkyl (1-6C).
53. (previously presented): The compound of claim 44 wherein  $R^2$  is alkyl (1-6C) or is aryl, each of said alkyl or aryl constituting the substituent  $R^2$  optionally including one or more heteroatoms which are selected from O, S and N, and each said alkyl optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR (where R is H or 1-6C alkyl), CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N and each of said aryl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR, CN, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C).
- 54-55. (canceled)
56. (previously presented): The compound of claim 39 wherein n is 0.

57. (previously presented): The compound of claim 52 wherein n is 0.

58. (previously presented): The compound of claim 39 wherein Ar is



wherein each  $X^3$  is independently alkyl (1-6C), halo, OR, or  $NR_2$  and p is 0, 1, 2 or 3.

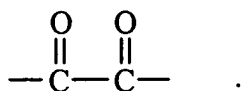
59. (previously presented): The compound of claim 39 wherein  $Z^2$  is CH and wherein  $R^2$  is alkyl (1-6C) or is aryl, each of said alkyl or aryl constituting the substituent  $R^2$  optionally including one or more heteroatoms which are selected from O, S and N, and each said alkyl optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR (where R is H or 1-6C alkyl), CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N and each of said aryl being optionally substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR, CN, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C).

60. (previously presented): The compound of claim 39 wherein  $Z^1$  is  $CR^4$  and  $R^4$  is other than H.

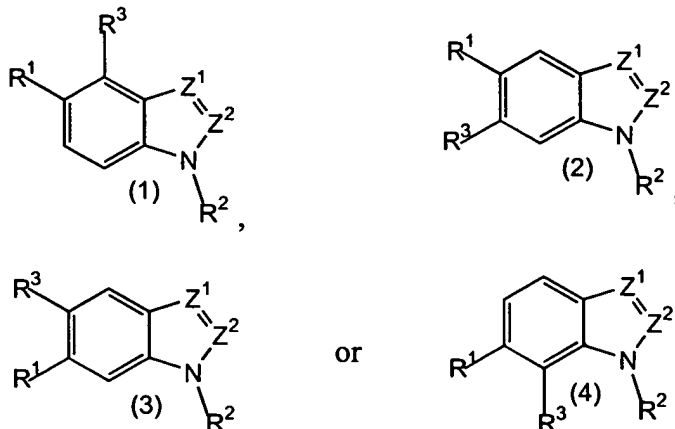
61. (previously presented): The compound of claim 39 wherein  $Z^1$  is  $CR^4$  wherein  $R^4$  is other than H and  $Z^2$  is CH.

62. (previously presented): The compound of claim 61 wherein  $R^4$  is alkyl either containing one or more heteroatoms selected from O, S and N, or said alkyl being substituted by one or more substituents selected from the group consisting of halo, OR, SR,  $NR_2$ , RCO, COOR,  $CONR_2$ , OOCR, NROCR, CN, =O, a five- or six-membered saturated carbocyclic ring or heterocyclic ring containing 1-2 N, and a six-membered aromatic ring optionally containing 1-2 N, where R in the foregoing optional substituents is H or alkyl (1-6C); or both.

63. (previously presented): The compound of claim 62 wherein  $R^4$  includes the structure

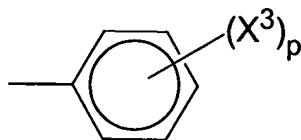


64. (previously presented): The compound of claim 63 which is of the formula



65. (previously presented): The compound of claim 64 which is of the formula (2).

66. (previously presented): The compound of claim 62 wherein Ar is



wherein each  $X^3$  is independently alkyl (1-6C), halo, OR; or  $NR_2$  and p is 0, 1, 2 or 3.

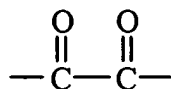
67. (previously presented): The compound of claim 62 wherein  $R^3$  is halo or OR where R is alkyl (1-6C).

68. (previously presented): The compound of claim 62 wherein  $R^4$  includes the structure  $NR_2$ .

69. (previously presented): The compound of claim 62 wherein  $R^4$  includes the structure of a saturated 5 or 6 membered ring containing 1-2 heteroatoms.

70. (previously presented): The compound of claim 62 wherein R<sup>4</sup> includes the structure of an unsaturated 5 or 6 membered ring containing 1-2 heteroatoms.

71. (previously presented): The compound of claim 66 wherein R<sup>4</sup> includes the structure:



72. (previously presented): The compound of claim 39 which is selected from the group consisting of:

- 4-benzylpiperidiny indole-5-carboxamide;
- 4-chloro-4-benzylpiperidiny indole-5-carboxamide;
- 6-chloro-4-benzylpiperidiny indole-5-carboxamide;
- 4-chloro-(4-(4-fluorobenzyl) piperidiny)-indole-5-carboxamide;
- 6-chloro-(4-(4-fluorobenzyl) piperidiny)-indole carboxamide;
- 4-methoxy-(4-benzylpiperidiny)-indole-5-carboxamide;
- 6-methoxy-(4-benzylpiperidiny)-indole-5-carboxamide;
- 4-methoxy-(4-(4-fluorobenzyl) piperidiny)-indole-5-carboxamide;
- 6-methoxy-(4-(4-fluorobenzyl) piperidiny)-indole-5-carboxamide;
- N-(3-cyclohexylmethylamino-2-hydroxypropyl)-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-(3-N-methylpiperazinyl-2-hydroxypropyl)-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-(3-benzylamino-2-hydroxypropyl)-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-[3-((4-methoxybenzyl)-amino)-2-hydroxypropyl-](4-benzylpiperidiny)-indole-5-carboxamide;
- N-{3-n-propylamino-2-hydroxypropyl}-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-(4-pyridoyl)-(4-benzylpiperidiny)indole-5-carboxamide;
- N-(4-pyridylmethyl)-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-methylacetyl-(4-benzylpiperidiny)-indole-5-carboxamide;
- N-acetyl-4-benzylpiperidiny indole-5-carboxamide;

N-(n-propylamide)acetyl 4-benzylpiperidiny indole-5-carboxamide;  
4-benzylpiperidiny indole-5-carboxamide-1-acetic acid-n-butylamide;  
4-benzylpiperidiny indole-5-carboxamide-1-acetic acid 4-methoxybenzyl amide;  
3-(2-methoxyethylaminocarboxamidyl)-(4-benzylpiperidiny)indole-5-carboxamide;  
3-(2-methylaminoethylaminocarboxamidyl)-(4-benzylpiperidiny)indole-5-carboxamide;  
3-(2-aminoethylaminocarboxamidyl)-(4-benzylpiperidiny)indole-5-carboxamide;  
3-(4-benzylpiperidiny carboxamidyl)-(4-benzylpiperidiny)indole-5-carboxamide;  
3-(4-benzylpiperidiny carboxamidyl)-(4-benzylpiperidiny)indole-6-carboxamide;  
3-(4-fluorobenzylcarboxamidyl)-(4-benzylpiperidiny)indole-5-carboxamide;  
3-[2-(3,5-dimethoxyphenyl)ethylcarboxamidyl]-(4-benzylpiperidiny)indole-5-carboxamide;  
6-methoxy-(4-benzylpiperidiny)indole-5-carboxamide;  
3-trifluoroacetyl-(4-benzylpiperidiny)indole-5-carboxamide;  
6-methoxy-3-(2-dimethylaminoethylamino)carboxamidyl-(4-benzylpiperidiny)indole-5-carboxamide;  
3-trifluoroacetyl-4-benzylpiperidiny indole-5-carboxamide;  
4-benzylpiperidiny indole-5-carboxamide-3-carboxylic acid;  
3-(2-dimethylamino)ethylaminocarboxamidyl-(4-benzylpiperidiny)indole-5-carboxamide;  
or is a compound as set forth in Table 5.

73. (previously presented): The compound of claim 72 which is  
4-benzylpiperdiny indole-5-carboxamide;  
3-[2-dimethylaminoethylaminocarbonyl]-4-benzylpiperidiny-6-methoxy indole-5-carboxamide; or  
4-benzylpiperidiny-6-methoxy benzimidazole-5-carboxamide.

74. (previously presented): The compound of claim 73 which is 4-benzylpiperdiny indole-5-carboxamide

75. (previously presented): A method to treat a condition characterized by a pro-inflammation response which method comprises administering to a subject in need of such treatment an amount of a compound of claim 39 or a pharmaceutical composition thereof effective to treat said condition.

76. (previously presented): The method of claim 75 wherein said condition characterized by inflammation is acute respiratory distress syndrome, asthma, chronic obstructive pulmonary disease, uveitis, IBD, acute renal failure, head trauma, or ischemic/reperfusion injury.

77. (previously presented): A method to treat a heart condition associated with cardiac failure, which method comprises administering to a subject in need of such treatment an amount of a compound of any of claim 76 or a pharmaceutical composition thereof effective to treat said heart condition.

78. (previously presented): The method of claim 77 wherein said chronic heart condition is congestive heart failure, cardiomyopathy or myocarditis.